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FCC - MAILROOM

BOARD OF EDUCATION - UNIFIED SCHOOL DISTRICT 402

July 10, 2003

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Re: **Request for "Waiver"**
CC Docket Nos. 96-45 and 97-21
Form Identifier: USD402-YR6-471-2
Form 471 Application Number: 383898
Billed Entity Number: 137824

Dear FCC:

This letter is a "request for a waiver" due to extenuating circumstances that have taken place within the Augusta Public School District.

Our Director of Technology has recently been replaced. The first task we assigned to our new personnel was the review of our E-Rate Year 6 funding, because we have had suspicions and believed that something odd had been going on. Our review on May 12th confirmed our suspicions and our fears. *Therefore, this letter is a direct appeal for a "waiver" regarding our 471 (Application # 383898) that was postmarked outside of the filing window.*

Our reviewer read all the correspondence that SLD had sent to the district and found one dated March 21, 2003 which stated that "FORM 471 WAS POSTMARKED OUTSIDE OF WINDOW." We filed an appeal to the SLD on May 13th because of that particular letter (copy included) and have included their response letter stating they are not permitted to consider our appeal and to contact your agency directly.

We are very distressed because this loss would be devastating to our district budget, especially in this tight financial year, if we do not receive funding as we have in the past several years.

In regards to our previous Technology Director who is no longer with us, we do not believe that his failure to file the Form 471 on time was an accident; indeed, we feel this was an act of intentional negligence.

No. of Copies rec'd _____
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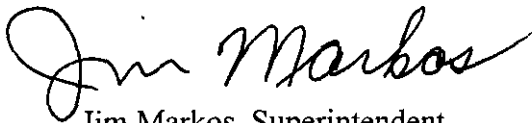
Because this is a personnel issue that has adversely affected our district, we are asking you to allow our Form 471 (Application #383898) to be considered with the timely filed applicants for funding.

Your urgent attention to this matter would be greatly appreciated. The loss of this funding for our district would be detrimental to our students' technology needs in the classroom.

You may directly correspond with Douglas Erickson in our technology department at your earliest convenience to discuss this matter further in detail at 316-775-5484. His email is derickson@usd402.com. We have the Form 471 ready at your request to submit to the SLD if you will allow us to do so.

We are very hopeful that you can help our situation and that a former employee will not be allowed to cause damage to our district's technology budget.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Jim Markos". The signature is fluid and cursive, with the first name "Jim" and last name "Markos" clearly distinguishable.

Jim Markos, Superintendent
Augusta Unified School District 402
2345 Greyhound Drive
Augusta, KS 67010-1614
jmarkos@usd402.com

Enclosures



Universal Service Administrative Company
Schools & Libraries Division

FUNDING YEAR 2003 FORM 471
POSTMARKED OUTSIDE OF WINDOW

March 21, 2003

DAVE CHRISMAN
AUGUSTA UNIFIED SCH DIST 402
301 W KELLY AVE
AUGUSTA, KS 67010-1614

Billed entity 137824

Re: Applicant's Form Identifier: USD402-YR6-471-2
Form 471 Application Number: 383898

Dear DAVE CHRISMAN:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 02/17/2003, which is AFTER the 2003-2004 filing window closed at 11:59 p.m. EST on February 6, 2003.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. If at that time, we determine that funding applications that were submitted within the application filing window will not fully utilize all the funds available for this Funding Year, we will consider applications filed outside the window in the order they were received. If we determine in-window applications will fully utilize the funds available, your application WILL BE DENIED.

For more information about the processing of 2003-2004 applications, about funding for applications filed after the close of the filing window or about plans for the 2004-2005 application process, please visit our web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Out of Window Letter you are appealing. Indicate the relevant funding year and the date of the letter. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, include the precise language or text from the letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Waiver Request

May 21, 2003

Jim Markos
Augusta Unified School District 402
2345 Greyhound Drive
Augusta, KS 67010

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Re: Your Request for Waiver of Application Window For Program Year 2003-2004

471 Application Number: 383898
Date Request Received: May 16, 2003

The Schools and Libraries Division received your request, cited above, for a waiver of the application window deadline for the Schools and Libraries Universal Service Support Mechanism (E-Rate).

The Federal Communications Commission (FCC) rules do not permit the Schools and Libraries Division (SLD) to consider your request. Therefore, your request for a waiver of the application window deadline may not be considered by SLD. If you wish to appeal this decision, you may submit an appeal, via the United States Postal Service, to the FCC at the following address:

**Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554**

If you are submitting your appeal to the FCC by means other than the United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be considered filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org or by contacting the Client Service Bureau at 1-(888)-203-8100.

Schools and Libraries Division
Universal Service Administrative Company